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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,010	03/05/2002	Eric D. Bloch	LZLO-01001US0	7583
28554	7590	09/28/2006	EXAMINER	
VIERRA MAGEN MARCUS & DENIRO LLP 575 MARKET STREET SUITE 2500 SAN FRANCISCO, CA 94105			AILES, BENJAMIN A	
		ART UNIT	PAPER NUMBER	
			2142	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/092,010	BLOCH ET AL.
	Examiner	Art Unit
	Benjamin A. Ailes	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 August 2006.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-11 and 13-52 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3-11,13-52 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims 1 and 3-11, 13-52 remain pending.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 21 August 2006 has been entered.

### ***Specification***

3. The disclosure is objected to because of the following informalities:
  - Page 8, line 6, "complied" should be "compiled"Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 7-10, 28-36, 41-45, 47 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Wu et al. (US 5,987,256), hereinafter referred to as Wu.
6. Regarding claim 1, Wu discloses a method for providing content, comprising the steps of:

receiving a request for particular content, said request is received at a server (col. 2, lines 45-46);

accessing a mark-up language description of said particular content (col. 2, lines 46-47, 57);

compiling said mark-up language description of said particular content to create executable code for a rendering entity different than and within a browser (col. 17, ll. 10-22), said executable code provides said particular content, said step of compiling is performed at said server in response to said request (col. 2, lines 47-50 and col. 4, lines 43-48); and

transmitting said executable code from said server to said rendering entity (col. 2, lines 50-51 and col. 4, lines 43-48).

7. Regarding claim 3, Wu discloses that said executable code implements a user interface that provides access to said particular content (col. 2, lines 17-19).

8. Regarding claim 7, Wu discloses executing said executable code at said rendering entity (col. 4, lines 32-35).

9. Regarding claim 8, Wu discloses:

accessing media content, said particular content includes said media content (col. 2, lines 46-47, 60);

transforming said media content to an accepted format (col. 2, lines 47-50); and adding said transformed media content to said executable code (col. 2, lines 47-50).

10. Regarding claim 9, Wu discloses that said step of compiling comprises the steps of converting said mark-up language description to action script; and compiling said action script into action script byte code (col. 17, lines 49-50).

11. Regarding claim 10, Wu discloses the steps of:

accessing media content, said particular content includes said media content (col. 2, lines 46-47, 60);

transforming said media content to an accepted format (col. 2, lines 47-50); and adding said transformed media content to said executable code (col. 2, lines 47-50), said request is from said client (col. 2, line 52), said executable code implements a user interface that provides access to said particular content (col. 2, lines 17-19), said particular content includes data (col. 2, lines 45-46) and said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

12. Regarding claim 28, Wu discloses one or more processor readable storage devices having processor readable code embodied on said processor readable storage devices, said processor readable code for programming one or more processors to perform a method comprising the steps of:

receiving a request for particular content, said request is received at a server (col. 2, lines 45-46);

accessing a mark-up language description of said particular content (col. 2, lines 46-47, 57);

compiling said mark-up language description of said particular content to create executable code for a plug-in to a browser (col. 17, ll. 10-22), said executable code

provides said particular content, said step of compiling is performed at said server in response to said request (col. 2, lines 47-50); and

transmitting said executable code from said server to a client (col. 2, lines 50-51).

13. Regarding claim 29, Wu discloses that said request is from said browser (col. 2, line 52).

14. Regarding claim 30, Wu discloses that said executable code implements a user interface that provides access to said particular content (col. 2, lines 17-19).

15. Regarding claim 31, Wu discloses that:

    said particular content includes data (col. 2, lines 45-46); and

    said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

16. Regarding claim 32, Wu discloses that said method further comprises the steps of:

    accessing media content, said particular content includes said media content (col. 2, lines 46-47, 60);

    transforming said media content to an accepted format (col. 2, lines 47-50); and

    adding said transformed media content to said executable code (col. 2, lines 47-50).

17. Regarding claim 33, Wu discloses one or more processor readable storage devices having processor readable code embodied on said processor readable storage devices, said processor readable code for programming one or more processors to perform a method comprising the steps of:

receiving a request for particular content, said request is received at a server (col. 2, lines 45-46);

accessing first code associated with said particular content (col. 2, lines 46-47, 57);

compiling said first code to create executable code for a plug-in to a web client, said executable code implements a user interface that provides access to said particular content (col. 2, lines 17-19), said step of compiling is performed at said server in response to said request (col. 2, lines 47-50); and

transmitting said executable code from said server to said plug-in (col. 2, lines 50-51).

18. Regarding claim 34, Wu discloses that said request is from said web client (col. 2, line 52).

19. Regarding claim 35, Wu discloses that:

    said particular content includes data (col. 2, lines 45-46); and  
    said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

20. Regarding claim 36, Wu discloses the steps of:

    accessing media content, said particular content includes said media content (col. 2, lines 46-47, 60);

    transforming said media content to an accepted format (col. 2, lines 47-50); and  
    adding said transformed media content to said executable code (col. 2, lines 47-50).

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21. Regarding claim 41, Wu discloses an apparatus, comprising:

one or more storage devices (col. 4, lines 57-59); and

one or more processors in communication with said one or more storage devices (col. 4, lines 57-59), said one or more processors receive a request for particular content, said request is received at a server (col. 2, lines 45-46), said request is from a client (col. 2, line 52), said one or more processors access a mark-up language description of said particular content (col. 2, lines 46-47, 57) and compile said mark-up language description of said particular content to create executable code for a plug-in to a HTTP client, said executable code provides said particular content, said compiling is performed at said server in response to said plug-in (col. 2, lines 47-50), and said one or more processors transmit said executable code from said server to said plug-in (col. 2, lines 50-51).

22. Regarding claim 42, Wu discloses that said executable code implements a user interface that provides access to said particular content (col. 2, lines 17-19).

23. Regarding claim 43, Wu discloses that:

    said particular content includes data (col. 2, lines 45-46); and

    said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

24. Regarding claim 44, Wu discloses wherein:

    said particular content includes media content (col. 2, lines 46-47, 60).

25. Regarding claim 45, Wu discloses an apparatus, comprising:

    one or more storage devices (col. 4, lines 57-59); and

one or more processors in communication with said one or more storage devices (col. 4, lines 57-59), said one or more processors perform a method comprising the steps of:

receiving a request for particular content, said request is received at a server (col. 2, lines 45-46), said request is from a client, said client includes a browser and a rendering engine that is different than said browser but operates within said browser (col. 2, line 52),

accessing first code associated with said particular content at said server (col. 2, lines 46-47, 57),

compiling said first code to create executable code for said rendering engine, said executable code implements a user interface that provides access to said particular content (col. 2, lines 17-19), said step of compiling is performed at said server in response to said request (col. 2, lines 47-50), and

transmitting said executable code from said server to said client (col. 2, lines 50-51).

The server on which the files are converted inherently must contain a storage device, otherwise it could not store the precompiler software. The server must also inherently contain a processor in communication with the storage device, otherwise it could not run the precompiler software.

26. Regarding claim 47, Wu discloses the steps of:

accessing media content, said particular content includes said media content (col. 2, lines 46-47, 60);

transforming said media content to an accepted format (col. 2, lines 47-50); and adding said transformed media content to said executable code (col. 2, lines 47-50).

27. Regarding claim 52, Wu discloses the method wherein:

    said request includes an indication that identifies a type of rendering entity from a group of rendering entities (col. 17, ll. 10-22); and

    said compiling includes creating said executable code specific for said type of rendering entity in response to said indication (col. 17, ll. 10-22).

***Claim Rejections - 35 USC § 103***

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

30. Claims 6, 18, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu.

31. Regarding claims 6, 18, and 25, Wu discloses that the executable code is transmitted over the World Wide Web to the target device (col. 2, lines 21-22), however Wu does not expressly disclose that the step of transmitting includes using HTTP to transmit said executable code via a network. Official notice is taken that the use of HTTP to transmit executable code via a network is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the use of HTTP because of the common use of HTTP when transmitting data over a network.

32. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Russell (2002/0069420).

33. Regarding claim 11, Wu does not expressly disclose the step of authenticating said request, said steps of compiling and transmitting are only performed if said step of authenticating is successful. Russell teaches that a network may authenticate a user's request to download content and that if that authentication fails, the server will not allow the user to download the content (par. 94, lines 1-10). Wu and Russell are analogous art because they are both from the same field of endeavor of content delivery. At the time of invention it would have been obvious to a person of ordinary skill in the art to allow Wu's invention to authenticate requests for content and to deny delivery of the content if the request does not pass authentication, as taught by Russell. The motivation for doing so would have been to ensure that the user making the request is

authorized to access the content (par. 91, lines 6-7). Therefore it would have been obvious to combine Russell with Wu for the benefit of authorized access to obtain the invention as specified in claim 11.

34. Claims 4, 5, 13, 21-24, 26, 27, 37-40 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Davis (6,643,696).

35. Regarding claim 4, Wu discloses that:

    said particular content includes data (col. 2, lines 45-46); and

    said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

    Wu does not expressly disclose receiving a request from said client for second content, that said second content includes data from an external data source, and that said request for said second content is received by and handled by said request handler in said presentation server. However, Davis teaches that a client device can send a request to a server for secondary content (col. 5, lines 54-58) and that the secondary content can be from an external data source (abstract, line 7). Wu and Davis are analogous art because they are both from the same field of endeavor of computer systems. At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for

doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 4.

36. Regarding claim 5, Wu discloses that said step of compiling includes converting said data to action script and compiling said action script into action script byte code (col. 17, lines 49-50).

37. Regarding claim 13, Wu discloses that said particular content includes a first application (col. 2, lines 45-46), and the steps of accessing a mark-up language description of content (col. 2, lines 46-47, 57), compiling said mark-up language description of content (col. 2, lines 47-50), and transmitting said compiled mark-up language description of content to said client (col. 2, lines 50-51). Wu does not expressly disclose the step of receiving a request from said client for second content and that said second content includes a second application called by said first application. Davis teaches that a client device can send a request to a server for secondary content and that the second content can include a second application that is called by the first application (col. 5, lines 54-58). At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application

for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 13.

38. Regarding claim 21, Wu discloses a method for providing content, comprising the steps of:

receiving a request for content that includes data, said request is received at a server (col. 2, lines 45-46);

accessing a mark-up language description associated with said content at said server (col. 2, lines 45-46);

acquiring said data from a data source external to and different than said server in response to said mark-up language description, said data is acquired by said server (col. 2, lines 46-47);

compiling said content at said server to create executable code, said content is based on said mark-up language description and said data, said executable code includes a representation of said data, said step of compiling is performed in response to said request (col. 2, lines 47-50); and

transmitting said executable code from said server to a client (col. 2, lines 50-51).

Wu discloses that said particular content includes a first application (col. 2, lines 45-46), and the steps of accessing a mark-up language description of content (col. 2, lines 46-47, 57), compiling said mark-up language description of content (col. 2, lines

47-50), and transmitting said compiled mark-up language description of content to said client (col. 2, lines 50-51). Wu does not expressly disclose the step of receiving a request from said client for second content and that said second content includes a second application called by said first application. Davis teaches that a client device can send a request to a server for secondary content and that the second content can include a second application that is called by the first application (col. 5, lines 54-58). At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 21.

39. Regarding claim 22, Wu discloses that said request is from said client (col. 2, line 52).

40. Regarding claim 23, Wu discloses that said executable code implements a user interface that provides access to said data (col. 2, lines 17-19).

41. Regarding claim 24, Wu discloses that said step of compiling includes converting said data to action script and compiling said action script into action script byte code (col. 17, lines 49-50).

42. Regarding claim 26, Wu discloses executing said executable code at said client (col. 4, lines 32-35).

43. Regarding claim 27, Wu discloses:

accessing media content (col. 2, lines 46-47, 60);  
transforming said media content to an accepted format (col. 2, lines 47-50); and  
adding said transformed media content to said executable code (col. 2, lines 47-50).

44. Regarding claim 37, Wu discloses one or more processor readable storage devices having processor readable code embodied on said processor readable storage devices, said processor readable code for programming one or more processors to perform a method comprising:

receiving a request for content that includes data other than code, said request is received at a server (col. 2, lines 45-46);

acquiring said data from a data source external to said server, said acquiring is performed by said server (col. 2, lines 46-47, 57);

compiling said data at said server to create executable code for a rendering entity that is separate from a browser but operates within said browser, said executable code includes a representation of said data, said step of compiling is performed in response to said request (col. 2, lines 47-50); and

transmitting said executable code from said server to said rendering entity at a client (col. 2, lines 50-51).

Wu discloses that said particular content includes a first application (col. 2, lines 45-46), and the steps of accessing a mark-up language description of content (col. 2, lines 46-47, 57), compiling said mark-up language description of content (col. 2, lines 47-50), and transmitting said compiled mark-up language description of content to said client (col. 2, lines 50-51). Wu does not expressly disclose the step of receiving a request from said client for second content and that said second content includes a second application called by said first application. Davis teaches that a client device can send a request to a server for secondary content and that the second content can include a second application that is called by the first application (col. 5, lines 54-58). At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 37.

45. Regarding claim 38, Wu discloses that said request is from said client (col. 2, line 52).

46. Regarding claim 39, Wu discloses said executable code implements a user interface that provides access to said data (col. 2, lines 17-19).

47. Regarding claim 40, Wu discloses that said method further comprises the steps of:

accessing media content (col. 2, lines 46-47, 60);

transforming said media content to an accepted format (col. 2, lines 47-50); and

adding said transformed media content to said executable code (col. 2, lines 47-50).

48. Regarding claim 46, Wu discloses that:

    said particular content includes data stored at a source external to said server, said accessing first code includes accessing said data at said source external to said server (col. 2, lines 45-46); and

    said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

    Wu discloses that said particular content includes a first application (col. 2, lines 45-46), and the steps of accessing a mark-up language description of content (col. 2, lines 46-47, 57), compiling said mark-up language description of content (col. 2, lines 47-50), and transmitting said compiled mark-up language description of content to said client (col. 2, lines 50-51). Wu does not expressly disclose the step of receiving a request from said client for second content and that said second content includes a

second application called by said first application. Davis teaches that a client device can send a request to a server for secondary content and that the second content can include a second application that is called by the first application (col. 5, lines 54-58). At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 46.

49. Claims 14-17, 19, 20 and 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Wagner (US 6,085,224).

Regarding claim 14, Wu teaches a method for providing content, comprising the steps of receiving a request for particular content, said request is received at a server (col. 2, lines 45-46); accessing first code associated with said particular content, said first code includes a mark-up language description and a scripting language description (col. 2, lines 46-47, 57 and col. 1, lines 17-21). Wu does teach compiling HTML to create executable code that implements a user interface that provides access to said particular content (col. 2, lines 17-19), said step of compiling is performed at said server

in response to said request (col. 2, lines 47-50); and transmitting said executable code from said server to a client (col. 2, lines 50-51). Wu teaches the compilation of HTML or JAVA but does not explicitly teach the compilation a combination of both to create combined executable code. The combination of a markup language code and a scripting language description is deemed as common in the art as evidenced by Wagner in column 15, line 61 – column 16, line 15 wherein Wagner teaches the use of embedded commands used in an HTML file to include javascript or visual basic script languages. It would have been obvious to one of ordinary skill in the art to include scripting languages embedded within a markup language file as taught by Wagner. One of ordinary skill in the art would have been motivated to embed script languages due to the common use of scripting in markup language files.

50. Regarding claim 15, Wu discloses that said request is from said client (col. 2, line 52).

51. Regarding claim 16, Wu discloses that:

    said particular content includes data (col. 2, lines 45-46); and  
    said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

52. Regarding claim 17, Wu discloses that said step of compiling includes converting said data to action script and compiling said action script into action script byte code (col. 17, lines 49-50).

53. Regarding claim 19, Wu discloses executing said executable code at said client (col. 4, lines 32-35).

54. Regarding claim 20, Wu discloses the steps of:

accessing media content, said particular content includes said media content (col. 2, lines 46-47, 60);  
transforming said media content to an accepted format (col. 2, lines 47-50); and  
adding said transformed media content to said executable code (col. 2, lines 47-50).

55. Regarding claim 48, Wu discloses an apparatus, comprising:

one or more storage devices (col. 4, lines 57-59); and  
one or more processors in communication with said one or more storage devices (col. 4, lines 57-59), said one or more processors receive a request for content that includes data other than code, said request is received at a server (col. 2, lines 45-46), said request is from a client (col. 2, line 52), said one or more processors access a mark-up language description and a scripting language description associated with said content at said server (col. 2, lines 46-47) and acquire said data from a source external to said server, said data is acquired by said server (col. 2, lines 46-47), said one or more processors compile said mark-up language description and said scripting language description at said server to create executable code, said executable code includes a representation of said data, said compiling is performed in response to said request (col. 2, lines 47-50), and said one or more processors transmit said executable code from said server to said client (col. 2, lines 50-51).

The server on which the files are converted inherently must contain a storage device, otherwise it could not store the precompiler software. The server must also

inherently contain a processor in communication with the storage device, otherwise it could not run the precompiler software.

Wu discloses that said particular content includes a first application (col. 2, lines 45-46), and the steps of accessing a mark-up language description of content (col. 2, lines 46-47, 57), compiling said mark-up language description of content (col. 2, lines 47-50), and transmitting said compiled mark-up language description of content to said client (col. 2, lines 50-51). Wu does not expressly disclose the step of receiving a request from said client for second content and that said second content includes a second application called by said first application. Davis teaches that a client device can send a request to a server for secondary content and that the second content can include a second application that is called by the first application (col. 5, lines 54-58). At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 48.

Wu teaches the compilation of HTML or JAVA but does not explicitly teach the compilation a combination of both to create combined executable code. The combination of a markup language code and a scripting language description is deemed as common in the art as evidenced by Wagner in column 15, line 61 – column 16, line 15 wherein Wagner teaches the use of embedded commands used in an HTML file to include javascript or visual basic script languages. It would have been obvious to one of ordinary skill in the art to include scripting languages embedded within a markup language file as taught by Wagner. One of ordinary skill in the art would have been motivated to embed script languages due to the common use of scripting in markup language files.

56. Regarding claim 49, Wu discloses that said executable code implements a user interface that provides access to said data (col. 2, lines 17-19).

57. Regarding claim 50, Wu discloses the steps of:

    said data includes media content (col. 2, lines 46-47, 60).

58. Regarding claim 51, Wu teaches the method wherein said data is media data (col. 2, ll. 46-47, 60).

#### ***Response to Arguments***

59. Applicant's arguments filed 21 August 2006 have been fully considered but they are not persuasive.

60. (A) Applicant argues that Wu does not disclose "compiling said mark-up language description of said particular content to create executable code for a rendering entity different than and within a browser" Examiner respectfully disagrees. Wu

teaches in column 17, lines 10-22 the use of a Java applet program which is deemed the same as a rendering entity which is contained within a browser.

61. (B) Applicant's argument with respect to claim 14 is deemed moot in view of the new ground of rejection.

62. (C) Applicant argues with respect to claims 4, 5, 13, 21-24, 26, 27, 37-40, 46 and 48-50 that there is no motivation to combine the references as proposed by the Examiner because Davis and Wu disclose inventions in different areas of technology. In response to applicant's argument that Davis and Wu are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Davis and Wu are both within the realm of computer networking technology and are considered to be analogous enough to be relied upon as a basis for rejection of the filed claims.

63. (D) Applicant argues with respect to claim 21 that neither Wu nor Davis teach or suggest "receiving a request for content that includes data other than code ... acquiring said data from a data source external to and different than said server in response to said mark-up language description, said data is acquired by said server ..." Examiner respectfully disagrees. Davis teaches wherein it is known how to enable access to remote storage or an external data source in column 5, lines 54-58. Davis's method of calling an application from a previously downloaded webpage could be used with Wu's

method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61).

### ***Conclusion***

64. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Scheinkman (US 7,062,530 B2) teaches a browser with messaging capability and other persistent connections.

Balassanian (US 6,976,248 B2) teaches an application server facilitating with client's computer for applets along with various formats.

Lamkin et al. (US 2006/0041639) teaches platform detection for a media services interface which enables synchronization of disparate media playback.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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baa

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